

### REMARKS

Claims 1-8, 10, 15, and 20 are pending.

Claims 9, 11-14, 16-19, and 21-23 are canceled without prejudice or disclaimer.

Applicants reserve the right to file a continuation or divisional application or take such other action to preserve their rights to the subject matter canceled by claim cancellation or amendment.

Claims 10, 15 and 20 are amended to incorporate the limitations of independent claims 9, 14, and 19, respectively, from which they previously depended.

The preceding amendments are proper after a final office action under 37 C.F.R. § 116(b)(1) and should be entered.

Pursuant to 37 C.F.R. § 1.173(2) and M.P.E.P. § 1453, the changes previously presented in claim 1 in a preliminary amendment filed March 11, 2004 are shown. No further amendment is made herein.

No new matter is added by these amendments.

### **Allowable Subject Matter**

Applicants acknowledge the Examiner's determination that Claims 1-8, 10, 15, and 20 are drawn to allowable subject matter.

### **Rejections under 35 U.S.C. § 103(a)**

The Examiner maintains the rejection of claims 9, 11, 12, 14, 16, 17, 19, 21 and 22 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Harpold, et al. U.S. Pat. No. 5,846,757 and Schubert et al. American Society for Microbiology 1995, page 63. The Examiner also maintains the rejection of claims 13, 18 and 23 under 35 U.S.C. § 103 as allegedly being unpatentable over the preceding references, further in view of Tribe, U.S. Pat. No. 4,681,852. Applicants respectfully disagree with the Examiner's reasons for maintaining these rejections. However, in the interest of furthering prosecution, Applicants have canceled the rejected claims, and have amended allowable dependent claims 10, 15 and 20 to incorporate the limitations of the independent claims from which they previously depended. Since Applicants have amended the

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claims consistent with the Examiner's rejections, the application is believed to be in condition for allowance and Applicants respectfully request that all rejections be withdrawn.

### **Supplemental Reissue Declaration**

A Supplemental Reissue Declaration will be provided upon receipt of the Examiner's comments on these amendments.

### **Conclusion**

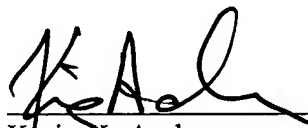
For the reasons set forth above, Applicants submit that all the claims of this application are patentable. Reconsideration and withdrawal of the Examiner's objections and rejections are hereby requested. Allowance of the claims of this application at an early date is earnestly solicited.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

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